

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

POWERVIBE, L.L.C.,	§	
	§	
Plaintiff,	§	
	§	
V.	§	CIVIL ACTION NO. 307-CV1536-K
	§	
PATRICK BARBARA,	§	
	§	
Defendant.	§	

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**DEFENDANT PATRICK BARBARA'S MOTION TO DISMISS**

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TO THE HONORABLE COURT:

Defendant Patrick Barbara moves to dismiss Plaintiff's claims against him pursuant to Rule 12(b)(2) and 12(b)(3) of the Federal Rules of Civil Procedure, and pursuant to the doctrine of forum non conveniens, and in support thereof would show the Court as follows:

I.

1. Patrick Barbara is not subject to personal jurisdiction in the State of Texas;
2. There is not proper venue in this action; and
3. The action should be dismissed based upon the doctrine of forum non conveniens.

WHEREFORE, PREMISES CONSIDERED, Defendant Patrick Barbara respectfully requests that the Court dismiss all claims against him in this action.

Respectfully submitted,

/s/Shawn K. Brady  
Shawn K. Brady  
Texas Bar No. 00787126

MESSER, CAMPBELL & BRADY  
6351 Preston Road  
Suite 350  
Frisco, Texas 75034  
(972) 424-7200 Telephone  
(972) 424-7244 Facsimile

Attorney for  
Patrick Barbara

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17<sup>th</sup> day of September, 2007, a true and correct copy of the above and foregoing has been delivered by certified mail, return receipt requested to J. Mark Bragg, LAW OFFICES OF J. MARK BRAGG, 5700 W. Plano Parkway, Suite 3400, Plano, Texas 75093.

/s/Shawn K. Brady  
Shawn K. Brady